IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 12423 of 2004

Between:

Shyam Sunder S/o.Chandraiah
R/o.H.No.120/3RT, Saidabad Colony Hyderabad.

..... PETITIONER

AND

A.P.Housing Board rep. by its Vice Chairman and Managing Director

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for all the records pertaining to file in case No.2171/CA1/91 from the Respondent and examined, and the order in Case.No.2171/CA/91 dt.6.7.2004 be set aside ii) Costs be awarded, and iii) Any other relief be granted.

Counsel for the Petitioner: MR.B.V.BAKSHI, Advocate

Counsel for the Respondent: MR.J.PRABHAKAR, Standing Counsel for APHB

The Court made the following:

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ORDER:

This Writ petition is filed by the petitioner aggrieved by the order passed by the competent authority [Tribunal] under the provisions of the A.P.Housing Board Act, 1956 (for short 'the Act') under which an order of eviction was passed allowing the petition filed by the Respondent Housing Board. The said order is purported to be under sections 52 and 53 of the said Act. Against the order passed under sections 52 and 53, an appeal shall lie within one month from the date of service of notice under section 53 of the Act. The said appeal is to be filed before the Chief Judge, City Civil Court, Hyderabad. In view of the appeal provided under section 55(4) of the Act, which is an effective remedy, this court declines to entertain this writ petition.

The writ petition is, accordingly dismissed. However, the respondent is directed not to take any steps to evict the petitioner for a period of one week.

16.07.2004

Dsr/Kvh

Note:

Issue operative portion by wire

at party's costs. (bo) Dsr/Kvh

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Vice Chairman & Managing Director,

   A.P.Housing Board, Hyderabad.

2. Two CD Copies.